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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

11 Case No.: CR 09-00717 JF

12 Plaintiff,

13 **STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

14 v.

15 MARCO BARBOSA; MARIA BARBOSA,

16 Honorable Jeremy Fogel

17 Defendants.

18 Defendants Marco and Maria Barbosa and the government, through their respective counsel,
19 hereby stipulate that, subject to the Court's approval, the hearing in the above-captioned matter,
20 presently scheduled for Thursday, June 24, 2010 at 9:00 a.m., be continued to Thursday, July 29,
21 2010, at 9:00 a.m. The continuance is requested because the parties are engaged in settlement
22 negotiations, and the defense requires time to discuss proposed resolutions with Mr. and Mrs.
23 Barbosa. Additionally, defense investigation is ongoing, and July 29 is the next date that all counsel
24 are available.

25 The parties further agree that time should be excluded under the Speedy Trial Act because the
26 ends of justice served by granting the requested continuance outweigh the interest of the public and

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1 the defendant in a speedy trial. The failure to grant the requested continuance would deny defense
2 counsel reasonable time necessary for effective preparation, taking into account the exercise of due
3 diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this
4 exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

5 Dated: 6/22/10

/s/
LARA S. VENNARD
Counsel for Marco Barbosa

7 Dated: 6/22/10

/s/
PETER LEEMING
Counsel for Maria Barbosa

9 Dated: 6/22/10

/s/
EUMI CHOI
Assistant United States Attorney

11 **[PROPOSED] ORDER**

12 The parties have jointly requested a continuance of the hearing set for Thursday, June 24,
13 2010, to allow additional time for defense preparation and investigation, and for continuity of
14 counsel. GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently
15 set for Thursday, June 24, 2010 at 9:00 a.m., be continued to Thursday, July 29, 2010, at 9:00 a.m.

16 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
17 under the Speedy Trial Act from June 24, 2010, to July 29, 2010. The Court finds, based on the
18 aforementioned reasons, that the ends of justice served by granting the requested continuance
19 outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the
20 requested continuance would deny defense counsel reasonable time necessary for effective
21 preparation, taking into account the exercise of due diligence, and would result in a miscarriage of
22 justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C.
23 §§ 3161(h)(8)(A) and (B)(iv).

24 Dated: 6/23/10

JEREMY FOCEL
United States District Judge

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